

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

January 4, 2005

OFFICE OF  
MANAGING DIRECTOR

Mr. Robert Grove  
Grove Communications Inc.  
115 Glenwood Road  
Marquette, MI 49855-9502

Re: Grove Communications Inc.  
FY 2004 Regulatory Fee  
Fee Control No. 00000RROG-04-093

Dear Mr. Grove:

This letter responds to your request filed with the Commission on September 22, 2004, on behalf of Grove Communications, Inc. (Grove) for a waiver of the fiscal year (FY) 2004 regulatory fee. Our records reflect that you have not paid the \$473.90 regulatory fee.

You recite that you are a small cable operator, providing cable service to 677 subscribers in four communities that have lower than average income. You state that you charge \$28.80 for 45 channels and that the regulatory fee is a hardship.

The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby. *See* 47 U.S.C. §159(d); 47 C.F.R. §1.1166; *see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs). The Commission will waive, reduce or defer its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship. *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *on recon.*, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting

information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12761-12762.

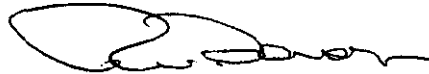
Mr. Robert Grove

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In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for a waiver of the FY 2004 regulatory fee. Therefore, your request for waiver of the regulatory fee is denied. Payment of the FY 2004 regulatory fee is now due. The regulatory fee should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, in view of your allegation of financial hardship, in lieu of payment, you may refile the request for relief together with appropriate supporting documentation and a request to defer further payment of the fee, within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.

Mark A. Reger  
Chief Financial Officer

Enclosure

00000RR06-04-093

**Grove Communications Inc.**

115 Glenwood Road  
Marquette, MI 49855-9502

Sept 22, 2004

Federal Communications Commission  
Office of the Managing Director  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D.C. 20554  
Attn: Regulatory Fee Waiver/Reduction Request

Dear Director

I am a small cable operator in Michigan. I provide cable service to four communities. They are Grand Marais (243 subscribers), Republic (264 subscribers), Shingleton (137 subscribers) and Seney (33 subscribers). These are communities with lower than average income. I currently charge \$28.80 for 45 channels. The regulatory fee is a hardship.

I request a waiver from the Filing and the fee and enclosed is a copy of my last form 159.

Sincerely



Robert Grove

SEP 28 2004

DOCKET FILE COPY ORIGINAL  
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 26 2004

FILE

OFFICE OF  
MANAGING DIRECTOR

Eli Shuber, President  
Intercommunication American Systems, Inc.  
1935 Hollywood Blvd.  
Hollywood, FL 33020

Re: Intercommunication American Systems, Inc.  
Request for Deferral of FY 2004 Regulatory Fee  
Fee Control No. 00000RROG-04-076

Dear Mr. Shuber:

This is in response to your request dated August 4, 2004, filed on behalf of Intercommunication American Systems, Inc. (IAS) for a deferment of the fiscal year (FY) 2004 regulatory fee. Our records reflect that you have paid \$1,448.86 of the \$8,693.18 FY 2004 regulatory fee.

In your request, you state that "[d]ue to expenses in upgrading our business[,] we feel it is financially sound for us to propose . . . [a] payment plan." Under the payment plan, IAS would pay the regulatory fee in six monthly installments (beginning on August 19, 2004), with four payments in the amount of \$1,448.86 and two payments in the amount of \$1,448.87.


The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby. *See* 47 U.S.C. §159(d); 47 C.F.R. §1.1166; *see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs). The Commission will waive, reduce or defer its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship. *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *on recon.*, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting

information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12761-12762.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for relief in the instant request for deferment of the regulatory fee. Therefore, your request for deferral is denied. Payment of the remaining balance of the FY 2004 regulatory fee in the amount of \$7,244.32, plus a late charge penalty of \$1,811.08 for late payment of the remaining balance of the regulatory fee (i.e., \$7,244.32 times 25 percent) is now due.<sup>1</sup> The balance of the regulatory fee and the late charge penalty (i.e., \$9,055.40) should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, insofar as you may be relying on financial hardship, in lieu of payment, you may refile the request for relief together with appropriate supporting documentation and a request to defer further payment of the fee, within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

Enclosure

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<sup>1</sup> The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.

# SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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April 28, 2004

## VIA ELECTRONIC MAIL

Hugh L. Boyle  
Chief Auditor, Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Form 499-A Registration Requirement for "CoreComm ATX, Inc."

Dear Mr. Boyle:


This letter responds to your March 30, 2004 inquiry regarding the status of a Form 499-A registration filing for "CoreComm ATX, Inc."

In 2003 and 2004, a completed Form 499-A was filed with National Exchange Carrier Association ("NECA") under the name "CoreComm ATX, Inc." However, these Forms should have been filed under ATX Licensing, Inc., the certificated entity that provides the telecommunications reported on the Forms 499-A. The Company is in the process of correcting this error and shortly will be filing an amended Form 499-A with the correct registrant name.

As requested, attached is a spreadsheet that provides information regarding the Company's Form 499-A registration. Please note that information provided in the attached spreadsheet includes the correct registrant name.

Please contact Wendy Creeden at (202) 295-8532 or [wmcreeden@swidlaw.com](mailto:wmcreeden@swidlaw.com) if you have any questions regarding this response, or if you need additional information.

Respectfully submitted,

  
Eric J. Branfman  
Wendy M. Creeden

Counsel for ATX Licensing, Inc.

Enclosure

cc: John Dragani (ATX)